MONTANA LEGISLATIVE HISTORY

Chapter 444 19 93

Bill H 339 S _____ Original bill & history ____C

H. Committee on Business & Economic Development		S. Committee on Business & Industry	
Hearing Date(s) Feb 03	✓ C	Hearing Date(s) Mar 03	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 03	✓ C	Mar 03	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 339 INTRODUCED BY DRISCOLL

EXEMPT PETROLEUM REFINERIES FROM BUILDING AND ELECTRICAL CODES

1/25	INTRODUCED		
1/25	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/25	FIRST READING		
2/03	HEARING		
2/04	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/06	2ND READING PASSED	94	3
2/09	3RD READING PASSED	96	3
	TRANSMITTED TO SENATE		
2/11	FIRST READING		
2/11	REFERRED TO BUSINESS & INDUSTRY		
3/03	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/06	2ND READING CONCURRED	40	5
3/08	3RD READING CONCURRED	37	11
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	94	2
4/02	3RD READING AMENDMENTS CONCURRED	91	9
4/13	SIGNED BY SPEAKER		
4/14	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 444		
	EFFECTIVE DATE: 04/21/93		

HB 340 INTRODUCED BY D. BROWN, ET AL.

CREATE OFFENSE OF ATTEMPT TO PURCHASE AN INTOXICATING SUBSTANCE

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/25	FISCAL NOTE REQUESTED		
1/25	FIRST READING		
1/29	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/02	HEARING		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	2ND READING PASSED	94	4
2/13	3RD READING PASSED	96	2
	TRANSMITTED TO SENATE		
2/16	FIRST READING		
2/16	REFERRED TO JUDICIARY		
3/03	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	34	6
3/08	3RD READING CONCURRED	41	7
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/24	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
3/31	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 233		
	EFFECTIVE DATE: 10/01/93		

senior citizens; there is one denturist; and one dental hygienist.

REP. TUSS asked Dr. Conlin where the accredited school is for denturists? **Dr. Conlin** said they do not have an accredited school "per se" recognized by the Board of Regents. He said there is a two-year school in Oregon that trains the clinical part of denturity after the two-year course of dental laboratory technology, which is not accredited by the Board of Regents. **REP. TUSS** asked if the denturists have a national licensing exam? **Dr. Conlin** replied he received his license here in Montana by the Board of Denturity, applied for application, took the exam and practical test. **Dr. Conlin** said the national is a grassroots organization and not all are licensed denturists from any particular state.

Closing by Sponsor:

REP. HAYNE closed stating the opinion by the attorney general which said that a denturist must refer a patient to a dentist prior to making a fitting or reconstructing a partial denture. She said there are only three other states with less than a majority of dentists on the board.

HEARING ON HB 339

Opening Statement by Sponsor:

REP. JERRY DRISCOLL, House District 92, Billings, said he had amendments to offer written by Paul Verdon. With the amendments, HB 339 will exempt oil refineries and public utilities from the building and electrical codes on the basic processing units in the areas of these industries that are not open to the public. He said there haven't been any inspections nor permits issued inside these industries for a number of years. The Building Codes Division and the Electrical Codes Division sent out a letter informing these industries that they will start buying permits and will have inspections in the processing units. HB 339 will place into law the past practice that has been going on for years. The bill states that these processing units can be inspected, but the amendments will not allow the divisions to force these industries to buy permits nor allow them to inspect the inside of the processing units. **EXHIBITS 10**

Proponents' Testimony:

Dan Edwards, International representative for Oil, Chemical and Atomic Workers International Union (OCAW), said that OCAW represents over 500 members in Montana. He said some of the members are electricians who primarily do maintenance work and install some new insulation. He said HB 339 wasn't needed, but he understood an agreement was reached out in the hallway before the committee hearing this morning. He said permits for buildings, i.e., offices, warehouses, etc. have been there and

they do not have a problem with the permits. He gave examples of the safety that already takes place in these industries and the reason this bill isn't necessary, i.e., OSHA. He said the members of OCAW do not have a problem with the amendments that are offered by **REP. DRISCOLL**. He requested that HB 339, if passed, be effective immediately upon approval.

Ken Haag, P.E. Director of Public Works, Billings, said he has been involved with HB 339 for the last year. He proposed amendments that would ensure this bill only applies to oil refineries, and to exclude the instruction of utilities that fall into certain occupancy classifications under the building codes. He said the amendments allow the utilities to practice what has been done over the last 40 years. **EXHIBIT 20**

Larry Fasbender, city of Great Falls, said Great Falls is one of the cities in Montana that is affected by HB 339 and the amendments. He said the city of Great Falls supports HB 339. He urged the committee to support this legislation.

Ron Pletcher, Cenex Refinery, Laurel, said that HB 339 isn't new legislation. He said it just makes official what has been the practice since the Codes were enacted years ago. **EXHIBIT 12**

Leland Griffen, Refinery manager of the Montana Refining Company, Great Falls, wanted to be on record that the Montana Refining Company supports HB 339 and the amendments.

Fred Stiers, acting manager of Conoco Incorporated, Billings, stated their support for HB 339 and the amendments.

Jim Kembel, Administrator of the Public Safety Division, Department of Commerce, said the department supports HB 339 with the amendments proposed. He said this legislation provides a solution to a problem that can't be handled administratively.

Bill Eagan, Montana Conference of Electrical Workers (IBEW), said that IBEW supports the bill with the amendments proposed by **REP. DRISCOLL**.

Tom McNabb, Montana Technical Council, said the council is a group of architects and engineers in Montana. He said HB 339 should only be concerned with the refineries and not the public utilities. The occupancies in the refineries are covered by the codes and are well defined, i.e., B-2 occupancy, and A occupancy under the Uniform Building Codes. **Mr. McNabb** said that building codes are put together to guarantee a minimum and uniform regulation of the life and safety for the people of Montana. The protection is for the public, private spaces and the work spaces that are occupied.

Mike Harrington, Montana Power Company, said they worked with the Department of Commerce and several of the refineries for several years and feel it impedes what the refineries want to accomplish.

He said they are agreeable to amending themselves out. He presented proposed amendments to strike public utilities. **EXHIBIT 18**

Ken Heikes, Billings Area Chamber of Commerce, said on behalf of the Board of Directors of the Legislative Affairs Committee, they support HB 339 as amended.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. LARSON asked **Tom McNabb** why other industrial complexes like the aluminum plant in Columbia Falls, Stone Container in Missoula or the refinery in East Helena are not included in this bill? **Mr. McNabb** said with the direction this bill is going, these other industries will probably come before the next legislature asking for this exemption.

Closing by Sponsor:

REP. DRISCOLL closed stating the amendments that were offered have been agreed upon by everyone concerned. He reiterated previous comments that HB 339 will allow the specified industries to continue their gas practices.

EXECUTIVE ACTION ON HB 216

Motion: REP. LARSON MOVED HB 216 DO PASS.

Discussion: REP. ELLIS moved to adopt amendment #1. **EXHIBIT 13**

REP. SONNY HANSON said HB 216 does two things: 1) it eliminates the sunset provision; and 2) it extends the opportunity of the individual to file a complaint. He felt the committee should stay with the intent of the original law.

REP. COCCHIARELLA said the amendment takes out all of the new language, and wanted to know if the bill is dead? **Paul Verdon, Legislative Council** said there is some new language that was inserted that states "to injure or destroy competitors".

REP. SONNY HANSON said the termination of this bill will eliminate the sunset feature in the existing law and the bill will become permanent law.

REP. LARSON made a substitute motion that amendment #1 (exhibit 13) do not pass. **REP. BACHINI** called the question. Voice vote was taken. Motion carried 17 - 1 with **REP. ELLIS** voting no.

EXECUTIVE ACTION ON HB 339

Motion: REP. ELLIS MOVED HB 339 DO PASS.

Discussion: Paul Verdon, Legislative Council, described the conceptual amendments. Mr. Verdon said in the title to insert "and providing an immediate effective date". On page 2, line 1, and page 3, line 5, following utilities "except any structures classified under the codes in chapters 7 & 9."

REP. COCCHIARELLA moved to adopt amendment #1. REP. SIMON called the question. Voice vote was taken. Motion carried unanimously.

REP. SONNY HANSON moved to adopt amendment #2. REP. MILLS called the question. Voice vote was taken. Motion carried unanimously. EXHIBIT 18

Motion/Vote: REP. COCCHIARELLA MOVED HB 339 DO PASS AS AMENDED. Voice vote was taken. Motion carried unanimously.

Vote: HB 339 DO PASS AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 237

Motion: REP. BACHINI MOVED HB 237 DO PASS.

Discussion: REP. PAVLOVICH moved to adopt an amendment on page 1, line 21, to change the fee from $50 to $25.

REP. COCCHIARELLA said she is opposed to lowering the fee. She said there is too much disparity in the dollar amount with the people that have the $75 permit fee for their indoor pools. The KOA didn't ask for the fee to be lowered to the $25, just to be equally fair with the indoor pools.

REP. PAVLOVICH called the question. Voice vote was taken. Motion failed 4 - 14 with REPS. PAVLOVICH, BACHINI, DAILY AND LARSON voting aye.

Motion/Vote: REP. DAILY MOVED HB 237 DO PASS. REP. COCCHIARELLA called the question. Voice vote was taken. Motion carried 15 - 3 with REPS. DAILY, PAVLOVICH AND LARSON voting no.

Vote: HB 237 DO PASS. Motion carried 15 - 3.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE 2-3-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
wp.rollcall.man

EXHIBIT 10
DATE 2-3-93
HB 339

Box 158. Whitefish. Montana 59937 (406) 862-2640

HB 339

February 2, 1993

Representative Steve Benedict, Chairman
House Business & Economic Development Committee
Capitol Station
Helena, MT 59620

RE: House Bill 339

Dear Representative Benedict:

As I understand HB 339, refineries and public utilities buildings would be exempt from permits and inspections.

As a Building Official I am opposed to HB 339 for several reasons.

The Building Code (and its companion codes) is the standard which provides a minimum level of safety, health and sanitation to employees that work in a building as well as the public that visits that building. Further, "building to code" helps produce buildings that have a longer life span and therefore helps protect the owner's investment.

We know based on our experience that which is inspected is more likely to get done than that which is expected. Public safety is likely to suffer when it is to ones economic advantage to reduce or eliminate fire walls, required exits, fire sprinkler systems, etc.

The permitting and inspection process is a suitable mechanism to guide architects and engineers to design to, and contractors to build to, a uniform standard. Permitting and inspection services will help us all work to provide for public safety and preservation of capitol investments.

Sincerely,

Jerry Quinn

Jerry Quinn,
Building Official

JQ/mjc

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 1
To Steve Benedict	From Jerry Quinn
Co. Economic Development	Co. City of Whitefish
Dept.	Phone # 862-2640
Fax # 444-4105	Fax # 862-5640

The City of Kalispell

Incorporated 1892

Telephone (406)752-8600
Fax: (406)752-8639
PO Box 1997
Zip 59903-1997

EXHIBIT 10
DATE 2-3-93
HB 339

Building Department

Douglas Rauthe
Mayor

Bruce Williams
City Manager

City Council
Members:

Gary W. Nystul
Ward I

Cliff Collins
Ward I

Barbara Moses
Ward II

Fred Buck
Ward II

Jim Atkinson
Ward III

Lauren Grannis
Ward III

Pamela B. Kennedy
Ward IV

M. Duane Larson
Ward IV

Craig Kerzman
Building Official

Brian Wood
Zoning Administrator

Dwain Elkins
Building Inspector

William (Bill) Mullo
Building Inspector

February 2, 1993

Representative Steve Benedict, Chairman
House Business & Economic Development Committee
Capitol Station
Helena, MT 59620

Re: House Bill 339

Dear Representative Benedict:

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The permitting and inspection process is a suitable mechanism to guide architects and engineers to design to, and contractors to build to, a uniform standard. Permitting and inspection services will help us all work to provide for public safety and preservation of capitol investments

Sincerely,

Craig A. Kerzman
Building Official

EXHIBIT 11
DATE 2-3-93
HB 339

CITY OF BILLINGS

PUBLIC WORKS DEPAR
Administration D

510 North Broadway-4
Billings, Montana
Office (406) 65
Fax (406) 65

February 2, 1993

House Business & Industry Committee
Capital Station
Helena, MT 59624

RE: HOUSE BILL #339

As Public Works Director for the City of Billings I am offering this as testimony that the City of Billings supports House Bill #339 with amendments. We would request that the committee seriously consider amendments which would provide the following:

1. The bill should be amended to assure that it only refers to oil refineries.

2. The bill should be amended to exclude only the construction on refineries and public utility facilities that do not fall into a B2 classification as defined in the uniform building code. This B2 classification includes offices, warehouses, etc.

3. The bill should be amended to provide an immediate effective date.

The provisions of the bill as amended would actually legalize what the City of Billings and the Conoco and Exxon Oil Refineries have been doing for the past number of years. History has shown that this is a very workable method of handling building permitting and inspection on the refinery grounds and that the public health, safety and welfare of the citizens of Billings and the State of Montana is not compromised by this process. The City Building Staff has met with project managers at both the Exxon and Conoco Refineries and walked through the process that both of these facilities use in developing their projects. With the exception of B2 occupancy buildings as defined above, we find that the building permit and inspection process would accomplish nothing that is not already being done by compliance with various state and federal regulations. Thus the local permitting and inspection process would prove redundant and only serve to slow up project development.

We have also worked with these refineries on previous buildings which fall into the B2 occupancy classification. We feel that we can offer a certain amount of expertise and review on these buildings which may not be covered under federal regulations. Thus we would request that these buildings remain under the provision of the building, fire, and electrical code.

EXHIBIT 11
DATE 2-3-93
HB 339

We feel strongly that these type of buildings should also be covered on public utility projects. I can point to examples of downtown office buildings for US West and regional service centers for Montana Power Company that have benefitted by local review and permitting. Since these type of facilities clearly impact the City's fire service, and ability to control buildings, they should be covered under the building codes. The proposed amendments would accomplish this.

Thank you for this opportunity to provide this testimony.

Sincerely,

Ken Haag, P.E.
Director of Public Works

KH:tlr

Testimony of Ronald E. Pletcher, Manager, Cenex Refinery

Comments in support of this legislation —

EXHIBIT 12
DATE 2-3-93
HB 339

As many of you know, CENEX is a regional farm cooperative which has, for fifty years, owned and operated the Laurel Refinery.

HB 339 is not really "new" legislation. Instead, it simply makes official what has actually been the practice in the State of Montana since the Codes were enacted. Historically, neither the State or any city administering the state codes, has issued permits for industrial installations, other than offices and warehouses, related to process equipment in refineries. More importantly, this common practice of non-enforcement has not created a problem.

The Montana Legislature has already properly exempted installations in refineries from application of the State plumbing code. ~~The reason here is obvious, since it makes little sense to hold the complex system of piping in these plants to a standard really developed for habitable buildings.~~ It is also reasonable to extend this limitation to the state building and electrical codes. Such a limitation would be consistent with the purposes of the codes, which clearly indicate they were to regulate habitable buildings ~~and did not contemplate specialized refining installations~~. occupied

Industrial facilities such as refineries have long utilized specific industry standards which are generally more stringent than the uniform building code and that address the highly specialized hazards of our industry. Compliance with those standards is provided by federal regulation administered by OSHA, and is continuously reviewed by insurers having millions of dollars at risk.

HB 339 will continue to allow the affected industries to respond quickly to changing circumstances in their complex facilities, and permit the continued use of their in-house skilled craftsmen, familiar with the unique hazards of these plants, to do the jobs they have always done. Failure to pass 339 will result in redundant, unnecessary regulation, with no benefit to the public and to the detriment of the affected industries and their employees.

CENEX is not opposed to amendments to this bill which ~~could~~ would retain permitting requirements in refineries for offices and warehouses, structures identified in Group B-2 of the 1991 UBC, i.e. office, etc., but would oppose amendments which would subject the legislation to ~~the~~ inconsistent interpretation and application of the rules ~~which have necessitated our being here today~~. For example, use of the term "process equipment" is too ~~general~~ vague.

We would also like to recommend that this legislation become effective upon passing, removing any inequities that might arise as a result of project timing.

EXHIBIT 18
DATE 2-3-93
HB 339

PROPOSED AMENDMENTS TO HB 339

Page 2, line 1, following "refineries" strike "or public utilities".

Page 3, line 5, following "refineries" strike "or public utilities".

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Business & Ec. COMMITTEE BILL NO. HB 359

DATE Feb. 3 1993 SPONSOR(S) J. Driscoll

PLEASE PRINT PLEASE PRINT PLEASE PRIN

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPOR
Dan Edwards Box 21605 Billings 59104	OCAU	339		✓
Ken Haag	City of Billings	339		✓
Ken Seiler	Billings Area Chamber	339		✓
W James Kembel	DOC	339		✓
Leland Giffin	Montana Rec Co.	339		✓
John Allen	Allen Electric		✓	
Fred Stiers	Conoco Inc			✓
Roni Pletcher	Cenex			✓
Janelle Fallon	Mt Petroleum Assn			✓
Mike Micone	Conoco			✓
Tom McNab	Montana Technical Council	339	✓	
Larry Fasbender	City of Gt Falls			✓
Tom Ebzery	Exxon	339		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORM ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

change the intent, but clarify the statute.

Proponents' Testimony:

Roger McGlenn, Executive Director Independent Insurance Agents Association of Montana, read from prepared testimony in support of HB 304 (Exhibit #5).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Klampe asked Mr. McGlenn why a person could not charge for both the service of consulting and the insurance policy. Mr. McGlenn stated the practice would be "double dipping" and the intent of HB 304 was to prevent the practice of "double dipping". Senator Klampe asked Mr. McGlenn why HB 304 went against the free enterprise basis. Mr. McGlenn stated HB 304 would protect the consumer.

Closing by Sponsor:

Representative Kasten closed and asked Senator Christiaens to carry HB 304.

HEARING ON HB 339

Opening Statement by Sponsor:

Representative Jerry Driscoll, House District 92 stated HB 339 would make the non-enforcement of electrical and building codes in oil refineries legal. He stated the refineries have not fallen under the codes for 50 years and HB 339 would put that practice into statute.

Proponents' Testimony:

Dan Edwards, Oil, Chemical, and Atomic Workers International Union, stated he represented the members working in the oil refineries in Montana. He stated HB 339 would maintain the status quo of the refineries. He stated the health and safety of the employees and the communities are not at risk. Mr. Edwards stated he would support an amendment to make HB 339 state "petroleum refineries" instead of just "refineries".

Jim Campbell, Administrator of Public Safety, Department of Commerce, stated his support of HB 339.

Bill Egan, Montana Conference of Electrical Workers, stated HB 339 was duplicative of OSHA statutes. He stated his support of HB 339.

Dennis Flick, City of Billings, stated his support of HB 339. He supplied the Committee with a copy of a letter from the City of Billings Public Works Director in support of HB 339 (Exhibit #6).

Ronald Pletcher, Refinery Manager, Cenex, read from prepared testimony in support of HB 339 (Exhibit #7).

Larry Houseman, City of Great Falls, stated his support of HB 339.

Mike McConey, Conoco, stated his support of HB 339. He stated Conoco worked closely with the Department to draft HB 339.

Tom McNaab, Montana Technical Council, stated his support of HB 339.

Leland Griffin, Refinery Manager, Montana Refining, stated his support of HB 339.

Tom Ebzery, Exxon, stated his support of HB 339.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Representative Driscoll closed on HB 339.

Announcement:

Chair Lynch appointed a Senator Bruski-Maus, Senator Gage and Senator Brenden to a subcommittee on HB 222.

EXECUTIVE ACTION ON HB 339

Motion/Vote:

Senator Bruski-Maus moved HB 339 BE AMENDED (Exhibit #8). The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Gage moved HB 339 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:30 a.m.

SENATOR J.D. LYNCH, Chair

KRISTIE WOLTER, Secretary

JDL/klw

ROLL CALL

SENATE COMMITTEE Business & Industry DATE 3/3/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	✓		
Senator Christaens	✓		
Senator Bruski-Maus	✓		
Senator Gage	✓		
Senator Hager		✓	
Senator Harding	✓		
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Kuehnke	✓		
Senator Mesaros	✓		
Senator Rea	✓		
Senator ~~Fonda~~ Brenden	✓		
Senator Wilson	✓		

FC8

Attach to each day's minutes

PUBLIC WORKS DEPARTMENT
Administration Division

CITY OF BILLINGS

510 North Broadway•4th Floor
Billings, Montana 59101
Office (406) 657-8230
Fax (406) 657-8252

February 25, 1993

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 6
DATE 3/3/93
BILL NO. HB 339

Senate Business Committee
Capital Station
Helena, MT 59624

RE: HOUSE BILL #339

As Public Works Director for the City of Billings, I am offering testimony that the City of Billings supports House Bill #339. The provisions of this bill would actually legalize what the City of Billings and Conoco and Exxon Oil Refineries have been doing for the past number of years. History has shown that this is very workable method of handling building, permitting and inspection on the refinery grounds and that public health, safety and welfare of the citizens of Billings and the state of Montana are not compromised by this process.

The City building staff has met with project managers at both Conoco and Exxon refineries and walked through the process that both of these facilities use in developing their projects. With the exception of B2 and H occupancy units (as described by the uniform building code) we find that the building permit and inspection process would accomplish nothing that is not already being done by the refineries in compliance with various state and federal regulations. Thus, the local permitting and inspection process would prove redundant and only serve to slow up project development.

We have also worked with these refineries on previous buildings which fall into the B2 and H occupancy classifications. We feel that we can offer a certain amount of expertise in review on these buildings which may not be covered under federal regulations. Thus, we would request that these buildings remain under the provision of the building, fire and electrical code. House Bill #339 assures this.

I urge the Committee and the Senate to pass this legislation.

Sincerely,

Ken Haag, P.E.
Director of Public Works

KH:tlr

Billings Trade: City-wide

Printed on Recycled Paper

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE 3/3/93
BILL NO. HB 339

Testimony of Ronald E. Pletcher, Manager, CENEX Refinery

As many of you know, CENEX is a regional farm cooperative which has, for fifty years, owned and operated the Laurel Refinery.

HB 339 is not really "new" legislation. Instead, it simply makes official what has actually been the practice in the State of Montana since the Codes were enacted. Historically, neither the State or any city administering the state codes, has issued permits for industrial installations, other than offices and warehouses, related to process equipment in refineries. More importantly, this common practice of non-enforcement has not created a problem.

The Montana Legislature has already properly exempted installations in refineries from application of the State plumbing code. It is also reasonable to extend this limitation to the state building and electrical codes. Such a limitation would be consistent with the purposes of the codes, which clearly indicate they were to regulate occupied buildings.

Industrial facilities such as refineries have long utilized specific industry standards which are generally more stringent than the uniform building code and that address the highly specialized hazards of our industry. Compliance with those standards is provided by federal regulation administered by OSHA, and is continuously reviewed by insurers having millions of dollars at risk.

HB 339 will continue to allow the affected industries to respond quickly to changing circumstances in their complex facilities, and permit the continued use of their in-house skilled craftsmen, familiar with the unique hazards of these plants, to do the jobs they have always done. Failure to pass 339 will result in redundant, unnecessary regulation, with no benefit to the public and to the detriment of the affected industries and their employees.

CENEX is not opposed to the amendment in paragraph C of section 1 and paragraph B in section 2 of this bill which refers to chapter 9, section 901, group H. However, we would like to identify for the record that we have been assured by those submitting that amendment that the phrase "outside of process units" is intended to avoid permitting requirements for structures which are primarily equipment shelters within the processing area.

Amendments to House Bill No. 339
Third Reading Copy

Requested by Representative Driscoll
For the Committee on Business and Industry

Prepared by Bart Campbell
March 3, 1993

1. Title, line 4.
Following: "EXEMPTING"
Insert: "CRUDE OIL"

2. Title, line 5.
Following: "FROM"
Strike: "THE"
Insert: "CERTAIN"

3. Title, line 6.
Following: "EXEMPTING"
Insert: "CRUDE OIL"

4. Title, line 7.
Following: "FROM"
Strike: "THE"
Insert: "CERTAIN"

5. Page 2, line 2.
Following: "(c)"
Insert: "crude oil"

6. Page 3, line 8.
Following: "of"
Insert: "crude oil"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 8
DATE 3/3/93
BILL NO. HB 339

DATE 3/3/93

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: HB 222 HB 304 HB 339

Name	Representing	Bill No.	Check One: Support	Oppose
W. James Kembel	Public Safety Div DOC	HB 339	✓	
James F. Brown	Bldg. Codes Bureau, DOC	HB 339	✓	
Ron Pletcher	Cenex	HB 339	✓	
Lyle Nagel	Mt. St. Fire Chiefs Assn	HB 222	✓	
Janelle Fallan	Mt Petroleum Ass'n	HB 339	✓	
Mike Rygg	Knight Piesold Mt Ltd	HB 222	✓	
Leland Griffin	Montana Rail Co.	HB 339	✓	
Lynn Sylvain	Fire Suppression Systems	HB 222	✓	
[illegible]	[illegible]	HB 222	✓	
Joe McGuire	Big Sky Fire Equip	HB 222		✓
Sonny McGuire	Big Sky Fire Equip	HB 222		✓
C. Schuttlesch[illegible]	Northern Sound & Com	HB 222	✓	
Terry Olson	Northern Tier Fire Protection Chief York V.F.D.	HB 222	✓	
Kenneth Olson	Northern Tier Fire Protection	HB 222	✓	
Kelly Flaherty	Citizen	HB 222	✓	
L E McCann	Asbestos Council	HB 222	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 3/3/93

SENATE COMMITTEE ON B & I

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One Support	Oppose
Dale Ahrens	Citizen	HB222		✓
Jack Manting	Superior Fire Apps	HB222		X
Kenneth R Brown	security by Kenco	HB222		✓
Beth Baker	Dept of Justice	HB 222	✓	
Mary Lou Lasanga	Mslo Fire Equip Council	HB-222		✓
Ben Lasanga	Mslo Fire Equip.	HB222		✓
Mark Cerise	MSM Fire & Safety	HB222		✓
Dave Sprecsig	Bldg. Ind. Sp	HB222		✓
Mike Micone	Conoco	HB 339	X	
Don Edwards	O.C.H.A. II	HB 339	X	
Chris Yarne	Dept. of Justice	HB 222	✓	
Dennis Flick	City of Billing	HB339	X	
John Augustine	DuPont / Conoco	HB 339	✓	
Jim Sayles	H.D. 61	HB 222	✓	
Larry Pasbende	City of Gt. Falls	HB-339	✓	

VISITOR REGISTER

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DATE 3-3-93

SENATE COMMITTEE ON BUSINESS AND INDUSTRY

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One: Support	Oppose
Roger McGlenn	Independent Ins. Agents Assoc. of MT	HB-304	✓	
Fred L. Taylor	Fred Taylor Fire Ag.	HB332		✓
MARK E. NELSON	State Auditor Ins. Dept	HB304	✓	
Tom Ebzery	EXXON	HB339	✓	

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